

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL H. GOVIND,

Plaintiff,

v.

CASH and TORRES

Defendants.

No. C 13-00346 EJD (PR)

ORDER GRANTING MOTION FOR
RECONSIDERATION; GRANTING
MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

(Docket No. 6.)

On March 26, 2013, the Court dismissed the instant civil rights action without prejudice for Plaintiff's failure to pay the filing fee or file a complaint. (Docket No. 4.) On April 17, 2013, Plaintiff filed a letter that the Court construed as a motion for reconsideration of the dismissal. (Docket No. 6.) Plaintiff had not yet paid the filing fee or filed a complaint. On May 2, 2013, the Court granted Plaintiff an extension of time of twenty-eight days to pay the filing fee and to file a complaint. (Docket No. 7.) Plaintiff has filed a complete application to proceed in forma pauperis and a complaint. (See Docket Nos. 8-10.) Accordingly, Plaintiff's motion for reconsideration is **GRANTED**. The Clerk of the Court is instructed to **REOPEN** the case.

Plaintiff's motion for leave to proceed in forma pauperis, is also **GRANTED**. The total filing fee that ultimately will be due is \$350.00. Due to the lack of funds in Plaintiff's account, no initial filing fee is due. Funds for the filing fee will be taken from

1 income to Plaintiff's account in accordance with 28 U.S.C. § 1915(B)(1). A copy of this
2 Order and the attached instructions will be sent to Plaintiff, the prison's trust account
3 office, and the Court's financial office.

4 The Court will conduct an initial review of the complaint in a separate order.

5
6 DATED: 6/25/2013



EDWARD J. DAVILA
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE
5

6 The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil
7 action in forma pauperis in this court and owes to the court a filing fee. Pursuant to 28
U.S.C. § 1915, the fee is to be paid as follows:

8 The initial partial filing fee listed on the attached order should be deducted by the
9 prison trust account office from the prisoner's trust account and forwarded to the
10 clerk of the court as the first installment payment on the filing fee. This amount is
11 twenty percent of the greater of (a) the average monthly deposits to the prisoner's
account for the 6-month period immediately preceding the filing of the
complaint/petition or (b) the average monthly balance in the prisoner's account for
the 6-month period immediately preceding the filing of the complaint/petition.

12 Thereafter, on a monthly basis, 20 percent of the preceding month's income
13 credited to the prisoner's trust account should be deducted and forwarded to the
14 court each time the amount in the account exceeds ten dollars (\$10.00). The prison
trust account office should continue to do this until the filing fee has been paid in
full.

15 If the prisoner does not have sufficient funds in his/her account to pay the initial partial
16 filing fee, the prison trust account office should forward the available funds, and carry the
balance forward each month until the amount is fully paid.

17 If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for
18 each case. The trust account office should make the monthly calculations and payments
for each case in which it receives an order granting in forma pauperis and these
instructions.

19 **The prisoner's name and case number must be noted on each remittance.** The initial
20 partial filing fee is due **within thirty days** of the date of the attached order. Checks
21 should be made payable to Clerk, U.S. District Court and sent to Prisoner Accounts
Receivable, U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco,
22 CA 94102.
23
24

25 cc: Plaintiff
26 Finance Office
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DANIEL H. GOVIND,
Plaintiff,

Case Number CV 13-00346 EJD (PR)

CERTIFICATE OF SERVICE

v.

CASH and TORRES,
Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/25/2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Daniel H. Govind
K-17945
California Institution for Men
A-OH-117L
PO Box 368
Chino, CA 91708

Prison Inmate Trust Fund Office
California Institution for Men
A-OH-117L
PO Box 368
Chino, CA 91708

U.S. District Court
Finance Department
450 Golden Gate Ave., 16th Floor
San Francisco, CA 94102

DATED: 6/25/2013

Richard W. Wieking, Clerk

/s/By: Elizabeth Garcia, Deputy Clerk